

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**KIRA FERGUSON, individually and  
and as the Executrix of the Estate  
of WILLIAM S. FERGUSON, dec.  
and  
SHANNON FERGUSON, in her  
own right,**

**Plaintiffs,**

**V.**

**Case No.: 1:23-cv-00032-JPJ-PMS**

**SUSAN DOONAN BLACKWELL , f/k/a  
SUSAN DOONAN BIELSKI**

**Defendant.**

**PLAINTIFFS' MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**

Plaintiffs, by counsel, respectfully seek Leave to File a First Amended Complaint pursuant to FRCP 15 (a) (2). This case was removed from the Circuit Court of Wythe County by defendant on September 19, 2023. No responsive pleadings have been filed.

Defendant's Motion to Dismiss under FRCP 12 (b)(2) for lack of personal jurisdiction is pending. Mary Lynn Tate made her first appearance as Virginia and local counsel on behalf of Plaintiffs on March 13, 2024. That sequence necessitated initial attention to the briefing schedule opposing the motion to dismiss.

For these reasons, Plaintiffs respectfully ask that this motion seeking leave to file a First Amended Complaint attached hereto as Ex. 1 be granted.

Plaintiffs also respectfully request that Docket Item ECF 20 (Amended Complaint) filed March 22, 2024 be withdrawn.

PLAINTIFFS  
BY COUNSEL

/s/ Mary Lynn Tate  
Mary Lynn Tate, Esq. (VSB # 16085)  
Tate Law PC  
P.O. Box 807  
211 W. Main St.  
Abingdon, VA 24212  
Phone: (276) 628-5185  
Fax: (276) 628-5045 Email: [mltate@tatelaw.com](mailto:mltate@tatelaw.com)

Gerard K. Schrom, Esquire  
Schrom, Shaffer & Botel, P.C.  
4 West Front Street  
Media, PA 19063  
Phone: (610) 565-5050  
Fax: (610) 565-2980  
Email: [gschrom@schromandshaffer.com](mailto:gschrom@schromandshaffer.com)  
Co-Counsel for Plaintiffs

Certificate of Service

I hereby certify that on this 5th day of April 2024, a copy of the foregoing PLAINTIFFS' MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT was filed ECF, sent via electronic mail for filing and service on counsel for Defendant.

/s/ Mary Lynn Tate

Kathleen McCauley, Esquire (VSB # 39028) Stewart R. Pollock, Esquire (VSB # 2466) MORAN REEVES & CONN PC 1211 E. Cary Street Richmond, Virginia 23219 Telephone: (804) 864-4832 Facsimile: (804) 421-6251  
[kmccauley@moranreevesconn.com](mailto:kmccauley@moranreevesconn.com)  
[spollock@moranreevesconn.com](mailto:spollock@moranreevesconn.com)  
Counsel for Susan Doonan Blackwell, a/k/a Susan Doonan Bielski